

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A 54 739 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/EP2004/006038	International filing date (day/month/year) 04.06.2004	Priority date (day/month/year) 25.06.2003																								
International Patent Classification (IPC) or national classification and IPC																										
<p>Applicant PUTZMEISTER AKTIENGESELLSCHAFT</p>																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/006038

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:
 pages 1-11 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 1-22 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:
 sheets 1/8-8/8 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.	PCT/EP2004/006038
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	1-22	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1.1 The present report refers to the following documents:

D1: WO 94/08111 A (SCHLECHT KARL; ALWES DIETER (DE); PUTZMEISTER MASCHF (DE)), 14 April 1994 (1994-04-14)

D2: US 3 822 791 A (EILER P) 9 July 1974 (1974-07-09)

D3: US 3 224 597 A (WHITMIRE WILLIAM A) 21 December 1965 (1965-12-21)

D4: GB 1 553 121 A (RAUMA REPOLA OY) 19 September 1979 (1979-09-19).

2.1 Claim 1 is unclear (PCT Article 6) because it is not clear from the wording which features are in fact part of the mobile concrete pump. For example, the undercarriage and truck chassis could be considered to form a part of the pump or not. According to the broadest interpretation of this claim, neither the undercarriage nor the truck chassis are part of the subject matter of claim 1.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>2.2 It remains unclear whether the trailer is claimed as part of the device claimed by the term "mobile concrete pump". It would appear that the concrete pump can be used independently of the trailer (see, for example, figure 1b) and that the trailer is used only when attached during road travel.</p> <p>2.3 After omission of the purpose-limited features (see PCT Guidelines, chapter 5.23 and 12.05):</p> <ul style="list-style-type: none">a mounted on an undercarriage of a truck chassis (see point 2.1);b can be supported on the ground by raising the undercarriage;c when travelling on a road is connectable to the undercarriage by a coupling member;d for receiving a set of rig arms which when the pump is travelling on a road extends beyond the rear end of the undercarriage, which consists of the second rig arm which in the extended position of the articulated joint is unfolded relative to the first rig arm, and at least part of the remaining rig arms, which are folded relative to the second rig arm, the set of rig arms and the first rig arm together forming the coupling member; <p>the subject matter of claim 1 concerns the following combination of features:</p> <ul style="list-style-type: none">a mobile concrete pump having a truck-mounted frame, a pivot-bearing block mounted on the truck-

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PCT/EP2004/006038Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

mounted frame and rotatable about a vertical axis, and having a concrete distribution rig in the form of a multi-section articulated rig, which has a first rig arm pivotable relative to the pivot-bearing block about a first articulated joint with a horizontal axis of articulation, and further rig arms pivotable relative to each other on articulated joints about horizontal axes of articulation, characterized by (with?, see point 2.2) a trailer having its own undercarriage and comprising a prop rotatable about a vertical axis.

- 3.1 Document D1 is considered the closest prior art. It discloses an articulated rig for mobile concrete pumps according to the preamble of claim 1 (interpreted in accordance with point 2.).
- 3.2 The subject matter of claim 1 (interpreted in accordance with point 2.) therefore differs from the trailer known from document D1 and having its own undercarriage in that it has a prop rotatable about a vertical axis.
- 3.3 The problem to be solved by the present invention is therefore understood to be that of being able to extend a set of rig arms in order to extend the reach, while complying with permitted axle load and travel height restrictions.
- 3.4 The solution proposed in claim 1 of the present application cannot be considered inventive (PCT Article 33(3)), for the following reasons:

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these features were already used for the same purpose with a mobile construction device (see document D2, in particular column 1, lines 3-38). For a person skilled in the art wishing to achieve the same purpose with a construction device according to document D1 it would be straightforward to use the features to corresponding effect with the subject matter of document D1 and in this way to arrive at a concrete pump according to claim 1, without thereby being inventive.

- 2.6 Consequently, a person skilled in the art would combine all the features disclosed in documents D1 and D2 in order to solve the problem of interest, without thereby exercising inventive skill. In addition, a combination of this kind would appear perfectly suitable for the type of use outlined under points 2.3 a to d. Consequently, the solution proposed in independent claim 1 cannot be considered inventive (PCT Article 33(3)).

- 3.1 Claims 2-22 appear to contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.